

**UNITED STATES OF AMERICA
BEEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

**PUBLIC SERVICE COMPANY OF
COLORADO,**

Employer,

and

Case No. 27-RC-8058

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 111,**

Petitioner.

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the Undersigned.

Upon the entire record in this proceeding, the Undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated and I find that Public Service Company of Colorado,¹ herein called the Employer, is a Colorado corporation, with a principal place of business in Denver, Colorado, and is engaged in the retail and non-retail supply of

¹ The name of the Employer appears as amended at the hearing.

electricity and gas. During the last calendar year, the Employer received revenues in excess of \$250,000 and purchased goods valued in excess of \$50,000 directly from suppliers located outside the State of Colorado. I find that the Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the Act. Further, I find that it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The parties stipulated, and I find, that International Brotherhood of Electrical Workers, Local 111, herein called the Petitioner, is a labor organization within the meaning of Section 2(5) of the Act.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of section 9(c)(1) and Section 2(6) and (7) of the Act.

STATEMENT OF THE CASE

A. Background

The Employer is a public utility engaged in the generation and distribution of electric power and gas to consumers throughout the State of Colorado. Since 1946, the Petitioner has represented the Employer's operating, production, and maintenance employees in a statewide unit of approximately 2,000 employees, herein referred to as the OP&M Unit. The OP&M Unit is described in the current collective bargaining agreement as follows:²

² The parties herein entered a copy of the collective-bargaining agreement into evidence as a joint exhibit. That copy stated that the agreement expired by its terms on May 31, 2000. I hereby take administrative notice that the record in Case 27-RC-7997 establishes that the contract has been extended by agreement of the parties to 2002.

All Operating, Production and Maintenance employees of the Gas and Electric Operating Departments, including Appliance Servicemen of the Commercial Department, Storekeepers and Warehousemen of the Accounting Department, and Custodians, all Electric Distribution Operations Dispatchers, Dispatch coordinator, Gas Operations Center Dispatchers, Lead Dispatchers in Gas Operations Center, Division Dispatchers in the Boulder and Western Regions and Senior Clerk-Dispatcher in the Mountain Region and all Substation and Line Equipment Test employees, all Hayden Station job classifications identified in the bargaining unit as of September 2, 1992, AS/RS employees, Gas Engineering Technician and Gas Operations Support Representative classifications formerly of Pueblo Clerical and Technical Agreement and all job classifications formerly included in Western Gas Supply Agreement, but excluding office clerical employees, managerial employees, professional employees, confidential employees, guards, part-time employees doing miscellaneous work, all other employees of the Commercial and Accounting departments, all engineering and other technical employees and all supervisors as defined in the Act and all other employees.

At the hearing, the Petitioner amended its petition to seek to represent all technicians, planners and designers in gas and electric distribution throughout the State of Colorado and all employees in the service investigation group, including the project analyst, power quality specialist, in/on specialist and service investigation specialists, and to exclude all professional employees, office clericals, confidential employees, telephone operators, guards and supervisors as defined by the Act and all other employees. The Petitioner specifically seeks an election under the procedures established by the Board in *The Globe Machine and Stamping Co.*, 3 NLRB 294 (1937), to determine whether the employees in the petitioned-for unit choose to be represented by the Petitioner as part of the existing OP&M Unit.³

The Employer contends that the employees in the petitioned-for unit do not share a sufficient community of interest with the OP&M Unit to warrant inclusion, but concedes that they do constitute an appropriate, separate unit. Thus, the Employer urges

³ The Petitioner is willing to go to an election in any unit found appropriate.

that I direct an election in a separate unit without affording the petitioned-for employees the opportunity to vote on inclusion in the OP&M Unit.⁴

The Employer has structured its operations into various business units. These include the Energy Supply Business Unit which governs the power plants; the Retail Services Business Unit which includes marketing, sales and customer services; and the Delivery Business Unit which includes the energy substations, transmission lines, and gas and electric distribution. The employees at issue herein are under the Delivery Business Unit. There are OP&M Unit employees under all three business units.

The Delivery Business Unit is directed by a president, and is divided into three sub-units, each overseen by a vice president. Those three sub-units include transmission, which involves the engineering functions of transmission and does not include any OP&M Unit employees.

The second sub-unit is construction, operations and maintenance (referred to as CO&M by the Employer), which includes all OP&M Unit employees involved in the distribution of gas and electricity. There are nine directors overseeing various aspects of the CO&M sub-unit. The Service Investigation employees at issue herein report to the director of emergency response and dispatch within the CO&M sub-unit.

The third sub-unit is Engineering Design. This sub-unit has a general manager reporting to the vice president. Under the general manager are four directors including the director over the Denver area technicians, planners and designers and the director over the technicians, planners and designers in the other geographic areas of Colorado. There are approximately 48 technicians, planners and designers reporting to 6 managers

⁴ The parties stipulated that there is no history of collective bargaining in the petitioned-for unit and that these employees have never been part of the existing OP&M Unit.

under the geographic director. These geographic employees work in Evergreen, Grand Junction, Silverthorne, Alamosa, Rifle and Greeley. There are approximately 100 technicians, planners and designers reporting to 11 managers under the Denver director. The Denver employees work in the Arvada, Southwest, Southeast, Denver, Gateway, Highlands Ranch and Boulder facilities. There are currently no OP&M Unit employees within the Engineering Design sub-unit.

B. Technicians, planners and designers

a. Technicians

Technicians are required to have a high school degree or GED equivalent and two years experience in gas and electric distribution.⁵ Post high-school drafting and engineering courses are preferred, but not required. The technicians also need to be proficient in various computer programs, including Microsoft Office and Excel and the Employer's customer information system (CIS) where they can look up customer account and utility load information. Once hired as technicians, they receive on-the-job training in the Employer's construction activity tracking system (CATS) and in the CH design and GIS-Small World systems, both of which are sophisticated computer drafting systems.

The technicians are responsible for taking routine, single residence, customer requests for installation of meters, rerouting of gas and electric services, relocations of gas and electric services, and installation of non-metered services, street lights and gas and electric extensions. Thus, technicians communicate with the customer about what is needed, perform a site inspection to determine how best the job may be done, computer draft the site plan ultimately used by the construction crew, perform a computerized cost analysis for the job and prepare the customer contract. These contracts range in value between hundreds of dollars up to tens of thousands of dollars. In performance of their

duties, the technicians have interaction with outside project developers and construction managers and crews, Employer departments including planning, metering and customer service, other technicians, planners and designers and some OP&M unit employees. With regard to contact between technicians and OP&M Unit employees, it varies greatly from technician to technician. In this regard, about 70 percent of the actual installation construction is preformed by outside contractors, including virtually all of the new construction work. As a result, some technicians deal almost exclusively with outside contractor personnel. Other technicians may have contact several times a day with OP&M Unit employees. This contact includes occasional person-to-person contact at the site as the technician is planning the job, but more commonly involves telephone contact while the actual installation is in progress. These contacts routinely last for about 15 minutes each and involve questions about why the project was designed as it was, inquiries as to whether certain design features can be changed or requests by customers for pricing information about possible design changes. The technicians spend about 70% of their time at their cubicle workstation and 30% of their time in the field doing site assessments.

b. Planners

Planners are required to have a high school degree or GED equivalent, and three years experience in gas and electric distribution. It is preferred that some of their experience be as a technician. Post high-school drafting and engineering courses are preferred, but not required. The planners need to be proficient in the same computer programs as the technicians but are required to have stronger skills in the CH design and GIS-Small World systems.

The planners perform the same functions as technicians but are responsible for

⁵ This experience is not gained working in OP&M Unit positions, but rather includes architectural drafting experience involving gas and electric systems and/or experience in the franchise, tariff and billing rate and customer service areas of the Employer's operation.

more complicated work than the technicians, because they design for subdivision developments and small commercial installations. Thus, planners communicate with architects and developers about what is needed. This includes attending meetings at the construction site and performing site inspections to determine how best the job may be done. The planners then computer draft the site plan ultimately used by the construction crew, perform a computerized cost analysis for the job and prepare the customer contract. In performance of their duties, the planners primarily have interaction with outside project developers and have limited work-related contact with OP&M Unit employees. To the extent they do interact with OP&M Unit employees, the contact usually involves telephone calls lasting about 15 minutes and involves design questions.

c. Designers

The designers perform the most complicated work of these three classifications. They prepare the installation plans for industrial parks, overhead to underground conversions, installations that run off the main feeder gas and electric lines, and system reliability issues. The Employer seeks individuals with Bachelor of Science degrees in engineering or the equivalent in experience and five years gas and electric distribution engineering experience.⁶ The designers utilize the same computer programs as the technicians and planners, but are expected to be entirely proficient in their use. They also train the technicians and planners on the drafting programs. In the performance of their duties, the designers communicate on a regular basis with city designers, architects and electrical and civil engineers. Accordingly, they are expected to be more knowledgeable about the technical terminology in the industry. Designers have very little work contact with OP&M Unit employees.

⁶ The parties stipulated that the designers are not professional employees as defined in the Act and the record supports that stipulation. In this regard, a bachelor's degree is preferred, but not required and most

C. Service Investigation Group

This group of five employees reports to team lead, Keith Carmen.⁷ This department is responsible for resolving high-level customer complaints in the Denver metropolitan area. This includes customers having chronic, unresolved problems that other departments have failed to repair.

a. Service investigation specialists

The service investigation specialists are required to have a high school diploma or GED, five years experience in electric distribution, and specialized training in the GIS Small World computer program. They also must be knowledgeable in safety aspects of the distribution system and experienced in trouble shooting distribution problems. The three service investigation specialists receive notification of customer complaints that remain unresolved. They then contact the customer to obtain additional information about the nature of the problem and make arrangements to meet with the customer at the site of the problem. At the site, the service investigator sets up a specialized voltage recording meter to substantiate the customer's problem. The service investigator then monitors the meter for one to seven days to collect data to solve the problem. Once the data is collected, the service investigator analyzes the data and designs a solution to the problem for the customer. The service investigator then generates a work order, which is forwarded to the engineering manager for the geographic area of the customer. Ultimately, the work order is assigned to OP&M Unit employees who perform the actual repairs. The service investigators also are responsible for trouble shooting and resolving customer complaints relating to TV and ham radio interference from nearby electrical lines. They use specialized noise locating devices during these investigations and

of the designers do not have such a degree but were hired on the basis of their lengthy experience in gas and electric distribution.

⁷ The parties stipulated and the record supports a finding that team leads are statutory supervisors.

determine if the problem is the Employer's system and if and how it can be fixed. The service investigation specialists do have occasional contact with linemen and meter men from the OP&M Unit. This contact can occur several times per week and involves in person meetings at the job sites while the service investigators are setting up their voltage recorders for inspecting the electrical equipment. Such contacts can last from about 20 minutes up to two hours.

b. Power quality specialist

The power quality specialist is required to have an associate degree or the equivalent work experience. This specialist must be familiar with the electric distribution system and be able to make engineering calculations of customer loads. The power quality specialist performs essentially the same type of work as the service investigation specialists but deals with large commercial and industrial customer complaints. These complaints are referred to the power quality specialist by the marketing representatives. The power quality specialist has work contacts with OP&M Unit employees similar to the service investigation specialists.

c. In/On Specialist

The in/on specialist is required to have a high school diploma or GED, five years experience in electric distribution, and computer knowledge of the tracking computer program. Generally, the Employer owns the equipment up to the meter at a location and the customer owns the electrical equipment beyond that point. The in/on specialists is responsible for scheduling the maintenance at the 8000 locations in the Denver area where the Employer actually owns electrical equipment in or attached to the commercial, industrial or apartment complex buildings. The actual maintenance is done by an outside contractor, so the in/on specialist has work contact with the contractor and its employees, not OP&M Unit employees.

d. Project analyst

The project analyst is required to have a high school diploma or GED, five years experience in electric distribution, and specialized training in the GIS Small World computer program. The project analyst is responsible for the electric Underground Inspection Safety Program. This involves scheduling and testing of underground electrical equipment to insure safety and reliability and insure that the underground system has not been effected by construction activity in the area being tested. Thus, the project analyst schedules the inspections, charts the maps for the areas scheduled for inspection, and maintains the overall annual inspection schedule. When an area is scheduled for testing, the project analyst informs the engineering manager for that geographic area. The project analyst also maintains the historical database of customer complaints handled by the special investigation group which is used as a resource for the other members of the group when analyzing current customer complaints. The primary contact the project analyst has with OP&M Unit employees is when she holds training sessions for a new crew of OP&M Unit employees regarding how to conduct the underground safety inspections. This occurs about twice a year. The project analyst also assists the other members of the group in performance of their duties and when doing so has similar contacts with OP&M Unit employees.

D. Work Locations, Wages, Benefits and Employee Interchange

a. Work Location,

The technicians, planners and designers work at various locations throughout the State. At some locations the technicians, planners and designers work in entirely different facilities from OP&M Unit employees. In other locations they are assigned work cubicles in an office area separate from the OP&M Unit employees. The degree of

separation varies greatly among the locations. The special investigations group works at the Lipan Distribution center. They have a work area about 100 yards from where the OP&M Unit employees report for work. At the facilities where both the petitioned-for employees and OP&M Unit employees work, the petitioned-for employees also have some contact with OP&M Unit dispatchers regarding the work orders generated by the technicians, planners and designers and special investigation group. Likewise, the petitioned-for employees have interaction with the storekeeper OP&M Unit employees regarding ordering supplies needed for the work orders they have generated.

b. Wages

Technicians are non-exempt employees, rated at Grade Level 83 on the non-exempt scale, with a salary range between \$29,057 and \$44,761, depending on work location and experience. This equates to an hourly rate of \$13.97 to \$21.52.⁸

Planners, in/on specialist, and service investigation specialists are non-exempt employees, rated at Grade Level 84 on the non-exempt scale, with a salary range between \$33,113 and \$51,043, depending on work location and experience. This equates to an hourly rate of \$15.92 to \$24.54.

Designers, project analysts and power quality analyst are exempt employees, rated at Grade Level 85 on the exempt scale with a salary range between \$40,415 and \$64,663, depending on work location and experience. This equates to an hourly rate of \$17.16 to \$27.45.

c. Work hours

The petitioned-for employees work eight-hour shifts, Monday through Friday, except the Grand Junction employees who work ten-hour shifts, Monday through

⁸ The hourly wage rates for all of the petitioned-for employees are comparable to the wage rates in the OP&M agreement.

Thursday. They are not required to record their hours worked except for noting days off for payroll accounting purposes. All the petitioned-for employees work a schedule that suits their desires and have it approved by their supervisor. These shifts usually start between 6:00 a.m. and 8:00 a.m. The petitioned-for employees are allowed to temporarily or permanently change their schedules with proper approval. OP&M Unit employees are generally required under the current collective bargaining agreement to work eight-hour shifts. However, there are some OP& M Unit employees in job classifications requiring 24-hour coverage who work either 10 or 12 hour shifts.

d. Benefits

The benefits received by petitioned-for employees and OP & M Unit employees are somewhat different. All benefits for OP & M Unit employees are governed by the collective bargaining agreement negotiated by the Employer and the Petitioner. That agreement provides for one specific medical dental and vision plan. The petitioned-for employees receive the same benefits as currently received by all unrepresented employees. Thus, they have the option to choose among various HMO, PPO, medical savings accounts and standard medical plans. The petitioned-for employees also have a different pension plan and different 401(k) requirements.

e. Employee Interchange

There is no evidence that the technicians, planners and designers or service investigation group employees have any interchange with OP&M Unit employees. There is also no evidence that there have been transfers between OP&M Unit positions and the petitioned-for unit positions. The record establishes that while a small percentage of the technicians, designers and planners and service investigation group have prior OP&M Unit experience, none of them transferred directly from the bargaining unit positions into these positions. Of the employees that testified, technician Sanford Salyards spent two

years in the bargaining unit as an operator repairman. He then spent eleven years in new customer engineering before becoming a technician. Jon Price, an 18-year employee who is currently a planner in Grand Junction, only worked in the OP&M Unit as a gas laborer for the summer of 1979. Petitioner witness Julie Borger, currently a planner at the Lipan Distribution Center, was not questioned about prior OP&M Unit experience. Petitioner witness Joanna Boettcher, a designer with a bachelor's degree in electrical engineering, was also not questioned about prior OP&M Unit experience. Ken Fortunato, a 24-year planner, had about three years OP&M Unit experience as a laborer and a groundman before transferring out of the OP&M Unit into a position in maps and records. From there he became a technician and then planner. Ted Caustrita, 20-year designer, worked for one year in the OP&M Unit as a laborer in the gas street department in approximately 1970 before transferring out of the OP&M Unit. Jim McMullen, started with the Employer as a meter reader prior to the certification of the meter reader unit and then transferred into a customer service representative position. From that position McMullen transferred into various non-OP&M Unit positions until becoming a designer in 1994. Wayne Gallegos was a gas locator which is a non-OP&M Unit position, prior to becoming a planner about five years ago. He did not testify about working in any prior OP&M Unit positions. Rick Blatzer started as a laborer in line construction in 1966. He transferred out of the OP&M Unit in approximately 1975 and went through various positions before becoming a designer in 1994.

Doug Campbell, service investigation specialist, worked in electric distribution standards for 17 years before becoming a service investigation specialist. Fred Ottman, power quality specialist, has worked in service investigations since 1979. He started with the Employer as a laborer in the OP&M Unit in 1970. E. J. Lyons, project analyst, started as a mailroom messenger in 1976 and has never worked in an OP&M Unit position.

ANALYSIS AND CONCLUSION

As noted above, the Petitioner seeks an election pursuant to the Board's holding in *Globe Machine and Stamping Co.*, 3 NLRB 294 (1937). In *Globe*, a petitioning union contended that there were three separate bargaining units in the plant, whereas an intervening union argued for treating the plant as one overall unit. The Board found that either arrangement would result in appropriate bargaining units, and concluded that the determining factor should be the desire of the employees themselves. The *Globe* self-determination doctrine was extended in *Armour and Company*, 40 NLRB. 1333 (1942). In *Armour*, the Board concluded that each of the three separate units could be added to the historical unit if the employees so desired. Thus, an *Armour-Globe* election permits employees sharing a community of interests with an already represented unit of employees to vote whether to join that unit. *Armour* itself has been expanded to permit self-determination elections where there was no separate finding that the group of employees who were voting to join a unit was, by itself, an appropriate unit. See, e.g., *Maryland Drydock Co.*, 50 NLRB. 363 (1943) (Board found that, although the voting unit was not appropriate by itself, the employees were nevertheless entitled to a self-determination election in which a vote for the union would be treated as a vote for inclusion in the existing bargaining unit.)

In determining the appropriateness of holding a self-determination election, it is necessary to determine the extent to which the employees to be included share a community of interest with the unit employees, as well as whether they constitute an identifiable, distinct segment as to constitute an appropriate voting group. *Warner-*

Lambert, Co., 298 NLRB 993, 995 (1990). With regard to community of interest, the Board looks at various factors to determine whether a group of employees should be added to an existing unit through a self-determination election. Among the factors considered are compensation, work hours, common supervision, job qualifications and skills, work contact, interchange of employees, functional integration and bargaining history. See, *John Scripps Newspaper Corp.*, 329 NLRB No. 74 (1999) (citing *Kalamazoo Paper Box Corp.*, 136 NLRB 134, 137 (1962).

While the Employer contends that the petitioned-for employees lack a sufficient community of interests with the OP&M Unit, its primary argument as raised at the hearing and in its post-hearing brief appears to be that the petitioned-for employees would be “swallowed-up” or “subsumed” in the much larger OP&M Unit. I find that this is not a sufficient basis for denying the Petitioner’s request for a self-determination election. Thus, while the Employer raises a valid concern, it is precisely for this reason that the Board allows self-determination elections so that the employees may vote specifically as to whether they desire such inclusion.

With regard to the community of interest argument proffered by the Employer, I conclude that the employees at issue do, in fact, share a sufficient community of interest to warrant inclusion. In this regard, I note that, while the petitioned-for employees are currently salaried, their hourly wage rates based on that salary are comparable to the OP&M Unit employees. Similarly, while there is no interchange between the petitioned-for employees and the OP&M Unit, there is regular work contact between the various employees. In this regard, all of the employee witnesses who testified at the hearing testified to at least some work-related interaction with OP&M Unit employees and

characterized that interaction as being integral to the performance of their job. With regard to functional integration, it is clear that the project designs of the technicians, planners and designers and the repairs required by the special investigation group are actually constructed or performed by the OP&M Unit approximately 40% of the time. See e.g., *PECO Energy Company*, 322 NLRB 1074 (1997), in which the Board included designers found therein to be technical employees in a production and maintenance unit that included other technical employees on the basis that the designers drafted the schematics used by the production and maintenance employees to modify equipment and have discussions with those employees regarding clarifications and modifications. Thus, the Board concluded that they carried out functionally related duties and their work was integrated with the production and maintenance employees and the plant as a whole.⁹

Finally, I conclude that the technicians, planners and designers and special investigation group employees are an identifiable, distinct voting group on the basis of the similarity of their skills, compensation, working conditions and job duties.¹⁰

Accordingly, I direct an election in the following voting group:

All fulltime and regular parttime technicians, planners and designers in gas and electric distribution throughout the State of Colorado and all employees in the service investigation group, including the project analyst, power quality specialist, in/on specialist and service investigation specialists; excluding all

⁹ As neither party has raised the issue of whether the petitioned-for employees are technical employees, I do not cite or rely on *PECO* for that proposition. *PECO* is cited merely for the proposition that the work of the petitioned-for employees is functionally integrated with the work of the OP&M employees, and, it is appropriate to provide employees in an appropriate unit, whose work is functionally integrated with the work of employees in another unit, with the opportunity to vote on whether they want to be included with the employees of the existing unit.

¹⁰ *John P. Scripps Newspaper Corp.*, supra, and *Ryder Integrated Logistics, Inc.*, 329 NLRB No. 89 (1999), cited by the Employer for the proposition that the fringe group must share a sufficient community of interest with the existing unit and have no separate identity are not controlling as those matters dealt with unit clarification and accretion issues.

professional employees, office clericals, confidential employees, telephone operators, guards, supervisors as defined by the Act, and all other employees.

If a majority of the valid ballots in the election are cast for the Petitioner, the employees will be deemed to have indicated their desire to be included in the existing operating, production, and maintenance employees unit currently represented by Petitioner, and it may bargain for those employees as part of that unit. If a majority of ballots are cast against representation, the employees will be deemed to have indicated the desire to remain unrepresented. In that event, a certification of results of election will be issued. See *The Globe Machine and Stamping Co.*, supra.

There are approximately 153 employees in the voting group.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to issue subsequently, subject to the Board's Rules and Regulations.¹¹ Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of the Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States

¹¹ Your attention is directed to Section 103.20 of the Board's Rules and Regulations. Section 103.20 provides that the Employer must post the Board's Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by:

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 111

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the *full* names and addresses of all the eligible voters shall be filed by the Employer with the Undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, National Labor Relations Board, 700 North Tower, Dominion Plaza, 600 Seventeenth Street, Denver, Colorado

80202-5433 on or before **July 26, 2000**. No extension of time to file this list shall be granted except in extraordinary circumstances, not shall the filing of a request for review operated to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. If filed, this request must be received by the Board in Washington by **August 2, 2000**. In accordance with Section 102.67 of the Board's Rules and Regulations, as amended, all parties are specifically advised that the Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

Dated at Denver, Colorado this 19th day of July 2000.

Wayne L. Benson, Acting Regional Director
National Labor Relations Board Region 27
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Denver, Colorado 80202-5433

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